

### **Remarks**

Claims 1 - 56 were pending in the application and were rejected. Claim 30 has been amended, although it is believed to be patentable as originally filed. Further, new claims 57-65 have been added and are fully supported by the original application. Applicants believe that all claims are patentable and present arguments below to this effect. Accordingly, reconsideration of the claims is respectfully requested.

Please note that the Applicants have not received an initialed copy of the Information Disclosure Statements (IDS's) filed on either March 24, 2004 or August 4, 2004. Accordingly, the subject IDS's are being resubmitted with this amendment for consideration by the Examiner.

### **Rejection Under 35 U.S.C. § 112**

Claim 30 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 30 was further rejected under § 112, second paragraph, as being incomplete for omitting essential steps amounting to a gap between the steps.

Applicants have amended claim 30 to remove the "anonymous" limitation. Therefore, claim 30 is no longer believed to be indefinite. Further, Applicants have added claim 65, which specifies that the payout card is anonymous as to the recipient's name. Support for claim 65 can be found in Applicants' original disclosure, which explains that such payout cards can be anonymous though they may be associated with a particular payout account. (see Specification, p. 6, lines 10-26). Thus, the term anonymous as used in the specification refers to its generally recognized meaning, that is, *having an unknown or unacknowledged name*. (See <http://dictionary.reference.com/search?q=anonymous>).

**Rejection Under 35 U.S.C. § 102**

Claims 1 - 5, 14 - 21, 31 - 37, and 45 - 49 were rejected under 35 U.S.C. § 102(b) as being anticipated by Konya, U.S. Patent No. 5,937,396 (hereinafter "*Konya*"). Applicants respectfully assert, however, that this rejection is improper.

The law is clear that a reference must teach every element of a claim, either expressly or inherently, to anticipate the claim. Applicants submit that the Examiner has failed to make a *prima facie* showing of anticipation for at least the reasons presented below.

First, Applicants submit that claim 1 of the present application is not anticipated by *Konya*. Claim 1, which is directed to a method for performing a money transfer receive transaction, includes the step of:

loading payout funds, corresponding to at least a portion of a desired amount of money to be transferred from a sender to a recipient, in a payout account associated with a payout card, such that the payout funds are electronically accessible by the recipient using the payout card.

*Konya* is directed to a system for ATM to ATM transfers, which provide for transferring currency electronically between bank accounts. The system in *Konya* performs a "money transfer receive transaction" when: (1) a recipient inserts a transaction card associated with the recipient's bank account into the card reader of an ATM (column 11, lines 17 - 20); (2) the ATM verifies the recipient's authority to access the recipient's bank account (column 11, lines 22 - 26); (3) the recipient elects to receive currency earmarked for the recipient (column 11, lines 27 - 30); (4) the ATM transmits the recipient's bank account number to determine if the recipient's bank account number matches the account number identified by the sender during the money transfer send transaction (column 11, lines 33 - 38); (5) the ATM dispenses the amount of currency transferred to the recipient, if the recipient's

bank account numbers match (column 11, lines 38 - 43); and (6) the system *debits the transferred currency from the bank account of the sender* (column 11, lines 60 - 66).

Despite the Examiner's contention, *Konya* fails to teach loading payout funds, corresponding to at least a portion of a desired amount of money to be transferred from a sender to a recipient, in a payout account associated with a payout card, such that the payout funds are electronically accessible by the recipient using the payout card as recited in claim 1. Rather, *Konya* expressly teaches that "the currency is not actually transferred to the second account." (*See*, column 9, lines 23 - 30). Instead, the amount of currency transferred is later debited from the sender's bank account *after* the currency is dispensed to the recipient. Therefore, claim 1 and the associated dependent claims are believed to be allowable.

Next, Applicants submit that independent claim 17 of the present application is not anticipated by *Konya*. Claim 17 is directed to a method for performing a money transfer transaction and includes the steps of:

storing transaction data on a host computer system,  
wherein the transaction data includes a desired amount of money  
to be transferred to a recipient;

receiving transaction identifying information provided by  
the recipient;

comparing the transaction identifying information with  
the transaction data stored on the host computer system; and

loading payout funds corresponding to at least a portion  
of the desired amount of money to be transferred in a payout  
account associated with a payout card if the transaction  
identifying information matches the transaction data stored on  
the host computer system, such that the payout funds are  
electronically accessible by the recipient using the payout card.

Contrary to the Examiner's contention, this combination of steps is not disclosed in *Konya*. Specifically, *Konya* fails to teach at least the step of loading payout funds in a payout account associated with a payout card if the transaction identifying information, which is provided by the recipient, matches the transaction data stored on the host computer system. As described above, *Konya* teaches that the funds are debited from the sender's bank account after being dispensed to the recipient; the recipient's bank account is merely used to verify the intended recipient identified by the sender during the send transaction. Moreover, in *Konya*, the funds in the sender's bank account are present prior to initiation of a receive transaction, and, in contrast to the requirements of claim 17, are not loaded therein if transaction identifying information provided by the recipient matches transaction data stored on a host computer system.

Accordingly, *Konya* fails to teach each and every step of claim 17 of the present application, and thus, claim 17 is believed to be patentable. Additionally, the associated dependent claims are believed to be patentable for at least the reasons discussed above.

Next, Applicants submit that independent claim 31 of the present application is not anticipated by *Konya*. Claim 31 is directed to a method for performing a money transfer receive transaction and includes the steps of:

entering card identifying information associated with a payout card into a receive-transaction initiating terminal that is in communication with a host computer system;

requesting via the receive-transaction initiating terminal that the host computer system load payout funds, corresponding to at least a portion of a desired amount of money to be transferred from a sender to a recipient, into a payout account associated with the payout card; and

providing the payout card to the recipient.

Applicants submit that claim 31 is not anticipated by *Konya* for at least the following reasons: (1) *Konya* does not teach requesting a host computer system to load payout funds into a payout account associated with a payout card as referred to above; and (2) *Konya* fails to disclose providing the payout card to the recipient. Rather than providing a payout card to the recipient, *Konya* teaches that the recipient uses a previously issued card associated with the recipient's bank account in the disclosed transaction.

Accordingly, *Konya* fails to teach each and every step of claim 31 of the present application, and thus, claim 31 is believed to be patentable. Additionally, the associated dependent claims are believed to be patentable for at least the reasons discussed above.

Next, Applicants submit that independent claim 34 of the present application is not anticipated by *Konya*. Claim 34 is directed to a system for performing a money transfer receive transaction and includes the following:

a host computer system including instructions for loading payout funds, corresponding to a desired amount of money to be transferred from a sender to a recipient, in a payout account associated with a payout card, such that the payout funds are electronically accessible by the recipient using the payout card.

Contrary to the Examiner's assertion, *Konya* fails to disclose a host computer system including instructions for loading payout funds in a payout account associated with a payout card. By contrast, the system in *Konya* merely uses a recipient's bank transaction card to identify the intended recipient. The funds themselves are debited from the sender's bank account after being dispensed to the recipient.

Accordingly, *Konya* fails to teach each and every element of claim 34 of the present application, and thus, claim 41 is believed to be patentable. Additionally, the

associated dependent claims are believed to be patentable for at least the reasons discussed above.

Finally, Applicants submit that independent claim 45 of the present application is not anticipated by *Konya*. Claim 45 is directed to a system for performing a money transfer receive transaction and includes the following:

a host computer system for storing transaction data, wherein the transaction data includes a desired amount of money to be transferred to a recipient; and

a terminal in communication with the host computer system for receiving transaction identifying information and for transmitting the transaction identifying information to the host computer system;

wherein the host computer system is operative to compare the transaction identifying information with the stored transaction data, and is further operative to load payout funds corresponding to the desired amount of money to be transferred in a payout account associated with a payout card if the transaction identifying information matches the stored transaction data.

Applicants submit that *Konya* fails to anticipate claim 45 for at least the reason asserted above with respect to claim 34. Accordingly, *Konya* fails to teach each and every element of claim 45 of the present application, and thus, claim 45 is believed to be patentable. Additionally, the associated dependent claims are believed to be patentable for at least the reasons discussed above.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the anticipation rejection and pass these claims through to allowance.

**Rejection Under 35 U.S.C. § 103**

Claims 6, 22, 38 and 50 were rejected by the Examiner under 35 U.S.C. § 103(a) as being obvious over *Konya* in view of Berg et al., U.S. Patent No. 6,394,343 (hereinafter "*Berg*"). Further, claims 7-13, 23-29, 39-41, and 51-53 were rejected under §103 as being obvious over *Konya* and *Berg*, as applied to claims 6, 22, 38 and 50, and in further view of Cooper et al., U.S. Patent No. 6,736,314 (hereinafter "*Cooper*"). Furthermore, claims 10-13, 26-30, 42-44, and 54-56 were rejected under § 103 as being obvious over *Konya* alone.

With respect to the obviousness rejection of claims 6-13, 22-29, 38-44, and 50-56, Applicants submit that this rejection is improper for at least the reason that these claims depend from independent claims that are believed to be allowable as discussed above in detail. Additionally, Applicants assert that these claims recite additional features that are not disclosed in any references applied by the examiner. For example, *Konya* fails to disclose providing, by the host computer system, an account code corresponding to the payout account for transmission to a terminal so that the terminal may write the account code to the payout card, as recited in claims 6 and 22. As another example, *Konya* does not disclose that the host computer system provides an identification code for use with the payout card and for transmission to the terminal so that the terminal may cause the identification code to be printed on a receipt as recited in claims 7 and 23.

In general, *Berg* is directed toward smart card transactions that permit one or more users to transmit funds electronically from one smart card to another directly without the aid of a terminal for facilitating the transfer. The teachings of *Berg* fail to render the above claims of the present application obvious in combination with *Konya* or in combination with *Konya* and *Cooper*.

*Cooper*, on the other hand, is directed toward a system and method for transferring funds utilizing a transfer card issued to a sender. The transfer card expedites the

send transaction process by permitting a sender to bypass manually filling out transaction initiating forms. Instead, the information necessary to complete the forms is encoded on the transfer card and automatically entered into a transfer agents system with a card reader. Information pertaining to intended recipients can also be encoded on the sender's transfer card so that a particular intended recipient merely has to be selected from a list. The teachings of *Cooper* fail to render the above claims of the present application obvious in combination with *Konya* or in combination with *Konya* and *Berg*.

Regarding independent claim 30, Applicants submit that the original claim is not obvious over *Konya*. Moreover, Applicants have amended claim 30 to further distinguish it from the prior art. Claim 30 is directed to a method for performing a money transfer send and receive transaction and includes the steps of:

- storing transaction data on a host computer system as part of the send transaction, wherein the transaction data includes a desired amount of money to be transferred from a sender to a recipient;

- receiving transaction identifying information from a receive-transaction initiating terminal in communication with the host computer system as part of the receive transaction, wherein the transaction identifying information is provided by the recipient;

- comparing the transaction identifying information with the transaction data stored on the host computer system;

- receiving at the host computer card identifying information associated with a payout card from the receive-transaction initiating terminal, wherein the card identifying information includes an account number and the payout card is selected from a source of payout cards maintained at a common location with the receive-transaction initiating terminal;



storing the card identifying information on the host computer system;

loading payout funds, corresponding to at least a portion of the desired amount of money to be transferred, in an account associated with the account number and maintained on the host computer system, if the transaction identifying information matches the transaction data stored on the host computer system;

receiving input associated with the payout card from a receive-transaction fulfillment terminal in communication with the host computer system;

comparing the input to the card identifying information stored on the host computer system;

allowing funds corresponding to the payout funds to be dispensed by the receive-transaction fulfillment terminal to the recipient if the input matches the card identifying information stored on the host computer system; and

allowing the payout account to be exceeded by a predetermined amount in order to cover a transaction fee;

wherein the receive transaction is staged through the receive-transaction initiating terminal and fulfilled through the receive-transaction fulfillment terminal.

Applicants respectfully believe that this combination of steps is not disclosed in, or rendered obvious by, *Konya*. Particularly, *Konya* fails to teach at least the step of loading payout funds in a payout account associated with a payout card if the transaction identifying information, which is provided by the recipient, matches the transaction data stored on the host computer system. Rather, *Konya* teaches that the funds are debited from the sender's bank account after being dispensed to the recipient; the recipient's bank account is merely used to verify the intended recipient identified by the sender during the send transaction. Moreover, in *Konya*, the funds in the sender's bank account are present prior to

initiation of a receive transaction. In contrast to the requirements of claim 30, the funds in *Konya* are not loaded in a payout account if transaction identifying information provided by the recipient matches transaction data stored on a host computer system.

Moreover, *Konya* fails to teach that the payout card is selected from a source of payout cards maintained at a common location with the receive-transaction initiating terminal. In addition, *Konya* fails to teach that the receive transaction is staged through the receive-transaction initiating terminal and fulfilled through the receive-transaction fulfillment terminal. Instead, *Konya* merely discloses that the recipient inserts a transaction card, previously issued to the recipient and associated with the recipient's bank account, into an ATM terminal to identify that the cardholder is the intended recipient. Once the recipient is identified by the transaction card, the funds are dispensed to the recipient from the same ATM terminal.

Accordingly, Applicants submit that the limitations recited in claim 30 of the present application are not disclosed by *Konya* or obvious in view of *Konya*. In fact, Applicants assert the *Konya* teaches away from the claimed invention. Particularly, *Konya* states that the second account associated with the recipient's transaction card is used "only to identify the recipient." (see *Konya*, col. 6, lines 18-20). Further, "the currency is never actually transferred to the second account." (see *Konya*, col. 6, lines 37-40). Furthermore, the first sender's account and the second recipient's account are maintained at a bank. (see *Konya*, col. 7, lines 41-50). Moreover, if the recipient's second account, inputted by the sender during the send transaction, does not exist, then the transfer is terminated. (see *Konya*, col. 10, lines 53-56).

Thus, Applicants submit that claim 30 is patentable over *Konya* for at least the reasons provided above. In view of the foregoing, Applicants respectfully request that the Examiner withdraw the obviousness rejection and pass these claims through to allowance.


**CONCLUSION**

Applicants have made a genuine effort to respond to each of the Examiner's rejections in advancing the prosecution of this case. Applicants believe that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

A check in the amount of \$570.00 is enclosed to cover the Petition fee of **\$120 and the additional claims filing fee of \$450.00**. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

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